

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PAULINE LEUNG,

Plaintiff,

v.

STARBUCKS CORPORATION AND  
STARBUCKS COFFEE COMPANY,

Defendants.

20-CV-7440 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On December 17, 2021, the Court ordered Jofran Mendoza to appear for a telephonic hearing on January 28, 2022 and show cause why he should not be held in contempt for his repeated failures to appear for a deposition in the above-captioned action. Dkt. 27. *See Painwebber Inc. v. Acstar Ins. Co.*, 211 F.R.D. 247, 249 (S.D.N.Y. 2002) (“The Court has the power under [Rule 45(g)] to impose contempt simply on the basis of failure to comply with a subpoena.”). Despite being personally served with the Court’s order to show cause, *see* Dkt. 30, Mr. Mendoza did not attend the hearing.

Accordingly, Mr. Mendoza is warned that, absent prompt compliance with Plaintiff’s deposition subpoena, he will be subject to possible arrest, financial penalty, or other civil and criminal sanctions. *See Eros Ent., Inc. v. Melody Spot, L.L.C.*, No. 99 CV 1157 SJ, 2005 WL 4655385, at \*6 (E.D.N.Y. Oct. 11, 2005) (“[C]ivil contempt may [] be punished by a conditional jail term or a remedial fine intended to compensate the party for the damages incurred as a result of the contumacious activity.”); *In re Weiss*, 703 F.2d 653, 661 (2d Cir. 1983) (noting that courts may “hold the contemnor in civil contempt and impose a sanction that is designed to coerce the contemnor to terminate his contumacious conduct . . . [such as] a jail term or a monetary fine”).

Plaintiff is directed to serve this order on Mr. Mendoza via overnight mail and to file proof of service with the Court.

SO ORDERED.

Dated: February 18, 2022  
New York, New York

A handwritten signature in blue ink, appearing to be 'Ronnie Abrams', written over a horizontal line.

RONNIE ABRAMS  
United States District Judge